

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TAREK B. AYASSI,

Plaintiff,

22-CV-7139 (KHP)

-against-

ORDER

KENNETH NEWMAN and J. B. HUNT
TRANSPORT, INC.,

Defendants.
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KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE:

Jury Trial. A jury trial in this matter is scheduled to begin on **December 2, 2024**, in Courtroom 17-D, United States Courthouse, 500 Pearl Street, New York, New York. Jury selection will begin at **10:00 a.m.** on **December 2, 2024**, with opening arguments to begin that same day immediately following empanelment of the jury, followed by examination of the first witness. Three days have been allotted for this trial, and the Court expects that the jury will be charged no later than **December 4, 2024**. Unless otherwise specified by the Court, the trial will start at 10:00 a.m. and continue until 5:00 p.m. each day until its conclusion. There generally will be a short break in the mid-morning and in the mid-afternoon, and there will be a lunch break from 1:00 to 2:00 p.m. each day. Parties are expected to have witnesses available to testify in the event a prior witness's testimony finishes sooner than expected.

Counsel should be in Courtroom 17-D at **9:30 a.m.** every morning of the trial to discuss with the Court any legal or evidentiary issues expected to arise during the day. Sidebars are discouraged and counsel should anticipate any problems that might require a ruling from the Court and raise those issues with the Court in advance of the time that the jury will be hearing the evidence, to the extent possible.

Pre-Trial Motions. All motions, including motions *in limine* relating to evidentiary issues, shall be filed by **October 28, 2024**. Opposition briefs shall be filed by **November 4, 2024**. No replies will be permitted.

Joint Pre-Trial Statement. Counsel for the parties shall confer and prepare, execute and jointly file with the Court no later than **October 28, 2024**, a single document captioned JOINT PRE-TRIAL STATEMENT, which must include:

- a. The full caption of the action;
- b. The name, address, telephone number and email of the attorneys who will be participating in the trial for Plaintiff and Defendant;
- c. A brief statement identifying the basis for subject matter jurisdiction, and, if jurisdiction is disputed, the reasons therefor;
- d. A list of each claim and defense that will be tried and a list of any claims and defenses asserted in the pleadings that are not to be tried;
- e. A statement of the claims for damages or other relief that Plaintiff seeks;
- f. All stipulations or statements of fact or law on which the parties have agreed;
- g. A list by each party of the witnesses it expects to present, the general subject area of the witness's testimony, and the order and anticipated length of the witness's testimony;
- h. A proposed schedule by which the parties will exchange demonstratives that they intend to use at trial, notify each other of any objections thereto, consult with each other regarding those objections and notify the Court of any remaining

disputes such that they can be addressed at the pre-trial conference discussed below;

- i. The necessity of a translator or interpreter and whether the parties have arranged for the same (if applicable);¹
- j. Any courtroom technology needed;
- k. A final exhibit list in tabular form containing information for all exhibits to be offered at trial. Exhibits not identified on this list may not be offered during a party's case in chief. The format shall be substantially as illustrated below.

Exhibit Number or Letter	Description	Objection(s), if any	Status

Plaintiff's exhibits must be identified by numbers and Defendant's exhibits must be identified by letters and should be pre-marked for trial. In the "Objection(s)" column of the table, one asterisk should be entered to indicate exhibits to which no party objects on grounds of authenticity, and two asterisks should be entered to indicate exhibits to which no party objects on any ground. Objections must be explained briefly, with citation to the relevant Federal Rule of Evidence or other legal authority. The "Status" column should be left blank, for later use by the Court.

¹ If a party or party's witness needs an interpreter, that party must arrange for a certified simultaneous interpreter.

- l. A list of the depositions, if any, to be offered at trial, with notation and explanation (including citation to the relevant legal authority) of any objections to the designations.
- m. Stipulations, if any, as to the admissibility of exhibits and deposition testimony.
- n. All other matters the parties believe are important to the efficient conduct of the trial.

Proposed Voir Dire, Requests to Charge, and Verdict Form. By **November 1, 2024**, the parties must file with the Court their proposed voir dire and verdict form. The parties shall be prepared to discuss any objections to the proposed voir dire and verdict form at the final pre-trial conference. Additionally, by **November 1, 2024**, the parties shall file with the Court a single document captioned JOINT REQUESTS TO CHARGE, which must include the full text of all of their proposed jury instructions, with source citations. If the parties disagree on a particular charge, the disputed language must be highlighted, and any counterproposal(s) presented together with the disputed section. Disputed language must be accompanied by a brief explanation of the objection(s), with citations to the relevant legal authority.

Pre-trial Conference. A pre-trial conference is scheduled for **November 25, 2024 at 10:00 a.m.** in Courtroom 17-D, United States Courthouse, 500 Pearl Street, New York, New York. The Court will address the parties' motions *in limine* (if any) at that time.

Trial Binder. The parties are directed to provide the Court with a physical binder containing all proposed trial exhibits, pre-marked, by **November 25, 2024**. Copies of these exhibits also shall be emailed to Parker_NYSD_Chambers@nysd.uscourts.gov. Counsel should

make sure that they have custody of all their original exhibits during the trial and maintain custody of the exhibits after conclusion of the trial. See Local Civil Rule 39.1(a).


Compliance with This Order. The deadlines set forth in this Scheduling Order will not be adjourned except in the Court's discretion on good cause as shown in a written application signed by counsel, stating whether the other parties consent, and served upon all parties. "Good cause," as used in this paragraph, does not include circumstances within the control of counsel or the client.

In the event that any party fails to comply with this Scheduling Order or is not prepared to go forward with trial on the date scheduled, the Court may impose sanctions or take other action as appropriate. Such sanctions and action may include assessing costs and attorney's fees, precluding evidence or defenses, dismissing the action, granting judgment by default, and/or other appropriate penalties. Counsel are expected to be diligent in inquiring as to the availability of all witnesses.

Electronic Devices. Attorneys, witnesses, and other trial participants will be permitted to bring with them into the courthouse one cellular telephone each. Counsel wishing to bring in additional electronic devices must fill out the application to bring an electronic device into the Courthouse at <https://nysd.uscourts.gov/sites/default/files/2020-06/Electronic%20Dev.pdf> and email the completed form to Parker_NYSDChambers@nysd.uscourts.gov.

SO ORDERED.

DATED: New York, New York
August 6, 2024



KATHARINE H. PARKER
United States Magistrate Judge